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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,214	01/27/2004	Mark A. Etter	JK014771	2579
28368 7590 10/21/2009 THE BLACK & DECKER CORPORATION 701 EAST JOPPA ROAD, TW199 TOWSON, MD 21286				
EXAMINER				
RAO, SHEELA S				
ART UNIT		PAPER NUMBER		
2123				
MAIL DATE		DELIVERY MODE		
10/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,214

Applicant(s)

ETTER ET AL.

Examiner

Sheela Rao

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This Office action is in response to papers filed on 12 February 2009.
2. Claims 24-30 are pending and presented for examination.

Response to Amendment

3. The provisional rejection of claim 24 on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 7 and 10 of copending Application No. 10/463,206 in view of US Patent No. US 6,593,587 B2 to Pease is withdrawn in light of the abandonment of the copending application.
4. The rejection of claims 24-30 under 35 USC § 102(b) as being anticipated by US Patent Application Publication No. US 2001/0028025 A1 to Pease is withdrawn in light of the remarks made.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,524,514 to Hadaway et al. in view of US Patent Application Publication No. US 2001/0028025 A1 to Pease.

The published invention by Hadaway et al. (hereinafter referred to as "Hadaway") teaches of a numerically controlled table saw fence assembly. The disclosure of the invention of prior art teaches the limitations of the instant invention as stated herein below.

Claim 24 cites a table saw assembly, comprising a frame coupled with a table, the table having an aperture – see Fig. 1; a fence adjustably coupled with the table, the fence for establishing a distance from the aperture - the fence is shown in Fig. 1 as item 12; a power tool control system coupled with the fence, the power tool control system for establishing various measurements and settings of the table saw assembly – shown as item 13 in Fig. 1, the power tool control system further comprising: a base for coupling with the fence - the placement of the control system is explained in col. 2 beginning at line 16 including a microcontroller (13), i.e. power tool control system, is coupled to the fence system (12) of the table saw, see col. 1:ll. 20-22, 39-45, col. 2:ll. 16-29, and patented claim 1. While Hadaway teaches the elements of the table saw assembly including a fence, the patented invention falls short of teaching of a non-contact measurement and alignment device coupled with the base, the non-contact measurement and alignment device operative with the table saw assembly for determining table saw assembly settings as per the instant claims. However, the prior art of Pease teaches the presence and use of a non-contact measurement and alignment device in a similar setting. A non-contact measurement and alignment device coupled with the base, the non-contact measurement and alignment device operative with the table saw assembly – is shown as item 10 in Fig. 6; a graphical user interface

communicatively coupled with the non-contact measurement and alignment device, the graphical user interface for user operation of the table saw assembly for indicating at least two of the table saw assembly settings – shown as item 10; and a display menu which logically relates folders providing table saw assembly setting options and readouts of current settings - see item 10 in Fig. 6. Pease discloses the device to have an image processor allowing its display to be graphic and converts the various user inputs via a touch-screen into multiple commands for the device. These various user inputs and touch-screen display represent the folders presented by the device to the user, as stated in paragraphs [0020-0021].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the portable power tool control system as that of Pease upon a table saw assembly as shown by Hadaway in lieu of the microcontroller used by Hadaway so as to have a power tool control system that is coupled with the fence assembly on a table saw.

Claims 25 and 26 further define the non-contact measurement and alignment device as comprising a laser source wherein the laser source is a laser light indicia. The disclosure of Pease explains the presence and use of laser light in paragraph [0015].

Claim 27 includes a kerf correction within the non-contact measurement and alignment device. By definition, according to the Online Merriam-Webster dictionary, a kerf is stated as being “the width of a cut made by a saw or cutting torch.” With this interpretation of the claimed limitation, the disclosure of Pease teaches the non-contact

measurement and alignment device taking the measurement of a width of an object as described in paragraph [0023].

Claim 28 defines the non-contact measurement and alignment device as a modular device. The reference of prior art shows in Fig.1 the modular aspect of the invention, paragraphs [0014-0015] describe the portable measurement device.

Claim 29 requires a graphical user interface to be communicatively coupled with the non-contact measurement and alignment device in the table saw assembly. Pease teaches the use of a graphical user interface, by showing item 16 in Fig. 1 and describing this element in paragraph [0021].

Claim 30 has the table saw assembly further comprising a computing system communicatively coupled with the non-contact measurement and alignment device and the graphical user interface. Paragraph [0019] explains the duties of the controller or computing system of the published invention.

Response to Arguments

7. Applicant's arguments, filed February 12, 2009, with respect to the rejection(s) of claim(s) 24-30 under Pease (US 2001/0028025) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hadaway et al. (US 5,524,514), as aforementioned.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-

3751. The examiner can normally be reached Monday - Wednesday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on (571) 272-3753. The fax number for the organization where this application or any proceeding papers has been assigned is (571) 273- 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheela Rao/
Examiner, Art Unit 2123
October 15, 2009

/Paul L. Rodriguez/
Supervisory Patent Examiner, Art Unit 2123